

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| LINDA HANEY, individually, as natural | ) |                            |
| Mother of decedent,                   | ) |                            |
| Plaintiff,                            | ) |                            |
| FRANK RUSSO, individually as natural  | ) |                            |
| Father of decedent,                   | ) |                            |
| Plaintiff-Intervenor,                 | ) |                            |
| v.                                    | ) | Case No.: 6:15-cv-03531-RK |
|                                       | ) |                            |
| LESTER ROBERT LANGSFORD,              | ) |                            |
| Defendant.                            | ) |                            |

**PLAINTIFF-INTERVENOR’S RESPONSE TO PLAINTIFF, LINDA HANEY’S,  
MOTION FOR AUTHORITY TO SETTLE WRONGFUL DEATH CLAIM AND  
PLAINTIFF-INTERVENOR’S MOTION FOR EVIDENTIARY HEARING**

COMES NOW Plaintiff-Intervenor, Frank Russo, and for his Response to Plaintiff, Linda Haney’s Motion for Authority to Settle Wrongful Death Claim and his Motion for Evidentiary Hearing, states as follows:

1. That on December 15, 2015, a Complaint was filed by Linda Haney, the natural, biological mother of the decedent, Christina Russo.
2. That Linda Haney and Lester Robert Langsford previously entered into an agreement to settle the above-referenced wrongful death claim.
3. That Frank Russo, as the decedent’s natural father, is a member of the first class entitled to pursue an action for the wrongful death of his daughter pursuant to §537.080(1) RSMo.
4. That on August 12, 2016, Frank Russo filed a Motion to Intervene in this wrongful death action, pursuant to FRCP 24(a)(2).

5. That on August 31, 2016, the Court granted Frank Russo's Motion to Intervene in the above-referenced cause.

6. That on August 30, 2016, Plaintiff Linda Haney filed her Motion for Authority to Settle Wrongful Death Claim, along with a proposed settlement allocation, attached to said Motion as "Exhibit A."

7. That Plaintiff-Intervenor, Frank Russo, does not object to the settlement of the above-referenced wrongful death claim for the confidential amount as set forth in Plaintiff-Intervenor's Proposed Settlement Allocation, attached hereto under seal as Exhibit 1, but Plaintiff-Intervenor, Frank Russo, does object to Plaintiff Linda Haney's proposed settlement allocation.

8. That Plaintiff Linda Haney's Proposed Settlement Allocation is unjust and unfair.

9. That as a result of his daughter's death, Plaintiff-Intervenor, Frank Russo, has incurred pecuniary losses, as well as a loss of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support, all of which are compensable pursuant to §537.090 RSMo.

10. That Plaintiff-Intervenor's Proposed Settlement Allocation has been filed separately under seal as Exhibit 1, simultaneous with the filing of this Motion.

11. That Plaintiff-Intervenor's counsel has spoken with Attorney Stephen Snead, Attorney Roger Johnson and Attorney Billy Mills, and the parties are agreeable to the court approving the tentative settlement, and that this Court hold an evidentiary hearing regarding the allocation of the settlement proceeds.

12. That Plaintiff-Intervenor requests an evidentiary hearing to present evidence and testimony in support of his proposed allocation of wrongful death settlement proceeds.

WHEREFORE, Plaintiff-Intervenor prays that this Court approve the wrongful death settlement, and approve Plaintiff-Intervenor's proposed settlement allocation, or alternatively, set this matter for evidentiary hearing as to the allocation of the settlement proceeds, and for such other and further relief as the Court deems just and proper in the premises.

HENRY & WILLIAMS, P.C.

by: /s/ Nikki Kinder  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was provided to the following parties via U.S. Mail on this 16<sup>th</sup> day of September, 2016:

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/s/ Nikki Kinder  
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